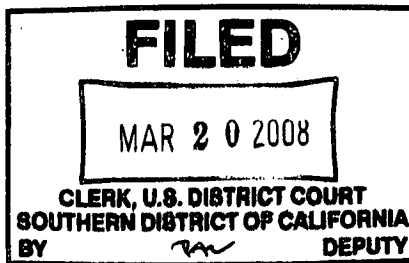


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ernesto NAVARRO-Castro,

Defendant.

Magistrate Case No.:

'08 MJ 8253

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

On or about March 19, 2008, within the Southern District of California, defendant Ernesto NAVARRO-Castro did knowingly and intentionally import approximately 41.12 kilograms (90.46 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Rafael Silva, Special Agent
Immigration and Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20TH
DAY OF MARCH 2008.

PETER C. LEWIS
U. S. MAGISTRATE JUDGE

1 **UNITED STATES OF AMERICA**

2 v.

3 **Ernesto NAVARRO-Castro**

4 **STATEMENT OF FACTS**

5
6 This Statement of Facts is based on the reports, documents, and notes furnished to
7 Immigration and Customs Enforcement Special Agent Rafael Silva.

8 On March 19, 2008, at approximately 0746 hours, Ernesto NAVARRO-Castro entered
9 the United States at the Calexico, California, West Port of Entry. NAVARRO was the driver,
10 registered owner and sole occupant of a 1997 Ford Thunderbird.

11
12 NAVARRO approached lane number one, manned by CBP Officer Mercado. During
13 routine border inspection questioning, NAVARRO gave a negative Customs declaration. CBP
14 Officer Mercado asked NAVARRO who was the owner of the vehicle. NAVARRO claimed to
15 be the owner of the vehicle for the past year. CBP Officer Mercado noticed NAVARRO'S hands
16 were shaky as he presented his immigration documents. CBP Officer Mercado referred
17 NAVARRO and the vehicle to CBP Canine Enforcement Officer Navarro.
18

19
20 CBP/CEO Navarro was conducting a post-primary vehicle inspection with his assigned
21 dog, when the dog alerted to the vehicle. CBP Officer Huerta then took a negative Customs
22 declaration and asked NAVARRO if the vehicle belonged to him. NAVARRO stated he was the
23 owner of the vehicle and was on his way to "Las Palmas" in Calexico, CA. During his inspection
24 CBP Officer Huerta found packages concealed inside a specially built compartment in the front
25 bumper area of the vehicle.
26

27 A subsequent inspection of the vehicle revealed thirty (30) packages concealed inside the
28 compartment. CBP Officer Huerta probed one of the packages and a sample of a green leafy
29

1 substance was obtained, which field tested positive for marijuana. The 30 packages had a
2 combined weight of approximately 42.12 kilograms (90.46 pounds) of marijuana.

3 NAVARRO was placed under arrest and advised of his rights per Miranda, which he
4 acknowledged and waived, agreeing to answer questions. NAVARRO stated to Special Agent
5 Silva he knew he was smuggling marijuana. NAVARRO stated he was to be paid \$1,500.00
6 dollars to drive the drug-laden vehicle into the United States. NAVARRO said he was to leave
7 the vehicle at "Las Palmas" parking lot or at Wal-Mart. NAVARRO also stated he was given
8 \$200.00 dollars in advance one month prior to his arrest.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29